

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

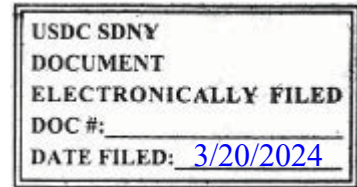
SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v.-

JACK BREWER,

Defendant.



20 Civ. 06175 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

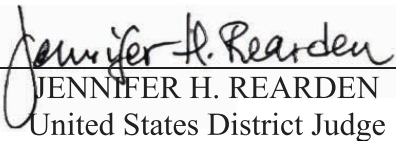
In preparing to rule on Plaintiff Securities and Exchange Commission’s motion for partial summary judgment, ECF No. 74, the Court has discovered two issues in Plaintiff’s submission that require attention. First, Plaintiff attached to its notice of motion, ECF No. 74—not a supporting affidavit—the exhibits cited in its Local Civil Rule 56.1 statement of material facts, ECF No. 74-1. Pursuant to Local Rule 7.1, “[s]upporting affidavits and exhibits thereto containing any factual information and portions of the record necessary for the decision of the motion” shall be included in “all motions” “[e]xcept for letter-motions as permitted by Local Rule 7.1(d)[.]” Local Civ. R. 7.1(a)(3); *see also Singer v. Massachusetts Mut. Life Ins. Co.*, No. 21 Civ. 08450 (PMH), 2023 WL 3506404, at *1 n.1 (S.D.N.Y. May 17, 2023) (“All of the exhibits submitted to the Court on these motions are annexed to the parties’ Local Rule 56.1 Statement, and *do not include a supporting affidavit*. Failure to comply with the Local Rules is, on its own, a sufficient ground to warrant denial of a motion.” (emphasis added)); *cf.* Fed. R. Civ. P. 56(c)(4) (“An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.”). In addition, Plaintiff failed to

attach certain exhibits cited in its papers, including Exhibits 16, 27, and 54. And although Exhibits 50 and 51 are described as distinct items, each consists of the same document.

By **Wednesday, March 27, 2024**, the SEC shall (1) file a supplemental affidavit in support of its motion in accordance with Local Rule 7.1(a)(3); and (2) re-file each exhibit referenced in the supplemental affidavit with a cover sheet identifying the exhibit number in the affidavit with which it corresponds.

SO ORDERED.

Dated: March 20, 2024
New York, New York


JENNIFER H. REARDEN
United States District Judge